



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Robert F. McDonnell
Attorney General

October 18, 2007

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The Honorable David K. Paylor, Director
Virginia Department of Environmental Quality
629 East Main Street
Richmond, Virginia 23219

Re: Authority to Amend Water Quality Management Planning (WQMP)
Regulation, 9 VAC 25-720-120.C and the General Regulation for
Discharges in the Chesapeake Bay 9 VAC 25-820-10 and 820-20 –
Shifting Waste Load Allocations between Two Dischargers

Dear Director Paylor:

I have reviewed the above-referenced regulations adjusting waste load allocations under the WQMP regulation between two dischargers: the Hanover County Doswell Waste Treatment Plant, and the Bear Island Paper Company, Inc. plant, and amending the definition of "Existing Facility." Based upon your agency's representations, it is my opinion that the State Water Control Board has authority to promulgate the amended regulations under applicable law, including Chapter 3.1 of Title 62.1 of the *Code of Virginia*, and specifically, under *Va. Code* § 2.2-4012.1 as a fast-track regulation.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Alfred B. Albiston".

Alfred B. Albiston
Assistant Attorney General
Environmental Unit

cc: Cindy Berndt